

Packet 1530A

Petition to Terminate Chapter 48 Guardianship

After completing all of the forms, call 414-257-5422 to schedule a review.

There is a \$15.00 Processing Fee for each petition filed.
Check, cash or money order are the only accepted payment methods.

PLEASE NOTE: This packet is designed to help pro se litigants with juvenile guardianship procedures. While the information contained in this packet is about legal issues, it is **not legal advice**. The packet is not a substitute for legal advice from an attorney. If you choose not to hire an attorney, you will be representing yourself in court unless the court chooses to appoint an attorney on your behalf. It is always better to have an attorney help you in case you have questions during your case. When using these forms, you are acting as your own lawyer. You have to do everything a lawyer would do: fill out the forms, file the forms with the Clerk of Courts, have a court date scheduled, arrange for service on the other persons, gather all necessary information, appear at the hearing, and present any evidence.

Overview

The information in this packet is to help you file a Petition for Termination of Guardianship that was previously granted by the court after the child was found to be in need of protection or services under Wis. Stat. Chapter 48 (i.e. in a CHIPS case).

If the current court appointed guardian and at least one of the child's parents agree to the termination of the guardianship, then you may proceed with the filing process. Below are the things you will need to bring when you file a Petition for Termination of Guardianship:

1. A valid driver's license or valid State ID.
2. All the forms listed below completed.
3. Current Addresses for:
 - a. Mother
 - b. Father(s) of all Child(ren)
 - c. Child(ren)
 - d. Current guardian
4. \$15.00 processing fee (cash – exact amount, check or money order will only be accepted) per child.

PLEASE READ BEFORE FILLING OUT THE DOCUMENTS

If the current guardian or either child's parent does not agree to the termination of the guardianship, then the Bureau of Milwaukee Child Welfare (BMCW) must be notified of the request and the BMCW must complete an assessment prior to filing the Petition to Terminate Guardianship.

- The number to call to request the assessment is 220-SAFE.
- Once the assessment is complete, obtain a copy of the assessment or request that the assessment be faxed to the Children's Court Staff Attorney at (414)545-4411.

You may then Petition to Terminate the Guardianship. Please bring items 1-4 listed above and a copy of the assessment (unless it was faxed) when you file the Petition to Terminate the Guardianship.

Documents You Must Prepare

1. **Form JC-1628** - Petition for Termination of Guardianship Under §48.977
2. **Form GF-150** - Uniform Child Custody Jurisdiction and Enforcement Act Affidavit
3. **Form 1877-1 R2** - Minor Guardianship Questionnaire (not all questions may apply to you)

Always PRINT the required information in the blanks. Never use pencil. Always use black ink.

Follow the sample that is provided in this packet.

The guardian(s) and parents of the child or children who are the subject of your petition must be notified of the court date. It is important that you provide the Clerk of Circuit Court's Office with the name(s) and address (es) of all of the interested parties. The Clerk of Circuit Court's Office will use this information to print a summons for each party on the case who must be notified of the court date. You, as the petitioner, are responsible for having the parties (usually the parents and current guardian) served with the summons.

What do I do next?

1. You must complete all the forms listed under the section "Documents You Must Prepare," except for the signature lines. **DO NOT** sign the petition. The Clerk of Circuit Court staff will notarize your signature at the time of filing once they see your ID.
2. Once you complete all the forms, call 414-257-5422 to schedule your form review with the staff attorney. **Just a reminder, the staff attorney cannot complete the forms for you nor can they give you legal advice.**

PLEASE READ BEFORE FILLING OUT THE DOCUMENTS

The Review

1. On your scheduled review date bring all the items in listed above
2. Report to:

Vel R. Philips Juvenile Justice Center
10201 West Watertown Plank Road, Room 1630
Wauwatosa, WI 53226

On your scheduled review date you will meet with the Staff Attorney in **Room 1630**. The Staff Attorney will review your paperwork and determine if the petition is legally sufficient. If your petition is legally sufficient it will be filed and you will receive a court date within 60 days. The Judge will decide whether or not to grant your petition. State law requires that a guardian ad litem (an attorney) be appointed to represent the best interest(s) of the child(ren). The guardian ad litem is not your attorney.

After you meet with the Staff Attorney, you will file your completed petition with the Clerk of Courts office. After you file your petition, the Clerk of Courts office staff will give you the printed summons, along with written instructions about Personal Service..

Personal Service

1. Personal Service means getting the summons and petition into the other person's hand in a legally defined way to notify him or her of the court hearing.
2. You must have a written "Affidavit of Service" when you come to court. This will prove to the court that all parties were notified of the court hearing (time and place).
3. You are responsible for finding someone to hand the documents to the person needing service. The server must be over the age of 18, a resident of Wisconsin and they cannot be a party to the action.
4. You cannot be the process server. The server must personally hand a copy of the petition and the summons to the person being served. The server should then fill out the "Affidavit of Service" and have their signature notarized.
5. If after diligently looking for a person you are unable to serve them in person, then you must send the summons and petition by certified mail with return receipt requested or registered mail to their known address or last known address at least 7 days prior to the hearing. Bring proof of mailing to the first court hearing.
6. Personal Service **MUST** be done within **7 DAYS** prior to the hearing.
7. If the other person is not properly notified, your case could be dismissed.
8. Persons that must be served:
 - a. Child, if over 12 years of age
 - b. Parents
 - c. Any person that currently has legal or physical custody of the child
 - d. The Bureau of Milwaukee Child Welfare - if they are already involved with the child
 - e. Anyone who has had custody of the child in the previous 60 days

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Attend the Hearing

On the date of your hearing bring along your copy of the petition, summons and the affidavit of service. In addition, if applicable, please bring:

- (1) Any waiver of Notice to Hearing by the parent or
- (2) Any Certificate of Death of a parent.

If an emergency comes up and you cannot make it to court on time, call the court and the guardian ad litem ahead of time to explain the circumstances. If you are late or fail to appear in court, the Judge may dismiss your Petition.